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MILLER BREWING CO. LEGAL

MILLER BREWING COMPANY

Celebrating 150 years of brewing excellence

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October 25, 2005

House Energy & Technology Committee

On behalf of Miller Brewing Company, I am writing in response to amendments to the Children's Protection Registry Act currently before this committee. While Miller supports the basic focus and direction of this legislation, we do not believe that the amendments or the current act, as written, anticipate the variety of ways responsible marketers are able to ensure that only an adult audience is appropriately receiving its marketing e-mails.

Further, the legislation does not distinguish between e-mails which may be viewed by adults over the age of eighteen (18) and those which should only be viewed by adults of legal drinking age (21). The current amendment provides for a "safe harbor" only in instances when an e-mail is sent to a recipient who has engaged in a face-to-face transaction with the sender, which includes an examination of a driver's license. While that method provides some assurance that the recipient is legally entitled to receive the message, it does not provide the only available insurance, nor does it provide consumers with a reasonable opportunity to engage in electronic transactions and relationships with content providers which may never include face-to-face transactions.

Miller Brewing Company is committed to ensuring that its e-mails are sent only to those legal drinking age consumers who affirmatively elect to receive them. As part of that process, Miller only sends e-mail messages to those consumers who register at a Miller website or at a Miller on-premise promotion. Registration requires entry of a date of birth. Before any registrant receives an e-mail from Miller, the data is confirmed through the use of a third-party provider. Without such confirmation, Miller does not include any registered user in an e-mail campaign.

As a result of this practice and policy, Miller requests that the committee consider additional safe harbor language protecting responsible marketing companies who utilize these types of protections.

Given the time constraints associated with the Committee's meeting, no one from Miller was able to attend for purposes of giving testimony on this subject. However, both I and my colleagues in digital marketing would welcome any opportunity to discuss the changing environment of digital marketing and the many efforts underway at Miller to ensure that marketing messages directed at adults are viewed by adults of legal drinking age.

Very truly yours,

Lisa Jordan
Senior Counsel